

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
:
v. : 12-MJ-965 (RLM)
:
QUAZI MOHAMMAD REZWANUL : October 17, 2012
:
AHSAN NAFIS, : Brooklyn, New York
:
Defendant. :
:
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TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: LORETTA LYNCH, ESQ.
UNITED STATES ATTORNEY
BY: JAMES LOONAM, ESQ.
RICHARD TUCKER, ESQ.
ASSISTANT U.S. ATTORNEYS
271 Cadman Plaza East
Brooklyn, New York 11201

For the Defendant: HEIDI CESARE, ESQ.

Audio Operator:

Court Transcriber: ARIA SERVICES, INC.
c/o Elizabeth Barron
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Carmel, NY 10512
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Proceedings recorded by electronic sound recording,
transcript produced by transcription service

1 THE CLERK: United States v. Quazi Mohammad
2 Rezwanul Ahsan Nafis.

3 Counsel, please state your name for the
4 record.

5 MR. LOONAM: Your Honor, good afternoon.
6 James Loonam and Richard Tucker on behalf of the
7 government.

8 THE COURT: Good afternoon.

9 MS. CESARE: Good afternoon. Heidi Cesare
10 from Federal Defenders of New York for Mr. Ahsan Nafis.

11

12 THE COURT: Good afternoon.

13 Mr. Nafis, the purpose of this proceeding is
14 to make sure you understand what crimes you're charged
15 with, to make sure you understand you have a right to
16 be represented by an attorney, and to address the
17 question of whether you should be released on bail or
18 held in jail.

19 You're not required to make a statement
20 about the offenses. Even if you've already done so,
21 you don't have to make any further statement. If you
22 start to make a statement, you can stop at any time.
23 Any statement that you do make, other than one you make
24 privately to your attorney, can be used against you.

25 Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: I'm going to ask you to keep
3 your voice up because this proceeding is being
4 recorded.

5 Have you seen the complaint that's been
6 filed against you?

7 THE DEFENDANT: Yes.

8 THE COURT: The complaint alleges that on
9 approximately October 17th of this year, you knowingly,
10 intentionally and without lawful authority attempted to
11 use a weapon of mass destruction, specifically an
12 explosive bomb, against persons and property within the
13 United States.

14 The complaint further alleges that between
15 July 15th of this year and today, you knowingly and
16 intentionally attempted to provide material support and
17 resources to a foreign terrorist organization,
18 specifically al Qaeda.

19 Do you understand that those are the charges
20 against you?

21 THE DEFENDANT: Yes.

22 THE COURT: The Court has appointed Ms.
23 Cesare to represent you as your attorney in today's
24 proceeding and in all proceedings relating to these
25 charges.

1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: Ms. Cesare, have you reviewed
4 the complaint with your client?

5 MS. CESARE: I have.

6 THE COURT: Have you advised him of his
7 rights?

8 MS. CESARE: Yes.

9 THE COURT: What is the -- the government I
10 assume is seeking detention.

11 MR. LOONAM: Yes, your Honor. This morning,
12 the defendant attempted to bomb the New York Federal
13 Reserve Bank. As your Honor noted, he's charged with
14 attempting to use weapons of mass destruction as well
15 as attempted material support of al Qaeda. Both of
16 those offenses are designated as federal crimes of
17 terrorism pursuant to 18 USC 2332(b) subsection
18 (g)(5)(B). Therefore, the defendant is a presumed
19 danger to the community and risk of flight, pursuant to
20 18 USC 3142.

21 THE COURT: I assume that there is a
22 detainer, an immigration detainer?

23 MR. LOONAM: There is, your Honor. ICE has
24 issued a detainer.

25 THE COURT: Ms. Cesare, do you have a bail

1 application to make at this time?

2 MS. CESARE: Not at this time, thank you.

3 THE COURT: All right, I'll enter a
4 permanent order of detention without prejudice to any
5 future bail application.

6 What is the defendant's position with
7 respect to a preliminary hearing?

8 MS. CESARE: So waived.

9 THE COURT: Is the defendant requesting
10 consulate notification or has it already been done?

11 MR. LOONAM: He was offered consulate
12 notification and he decided to not notify his consulate
13 at that time.

14 MS. CESARE: We are not requesting consular
15 notification at this time.

16 THE COURT: All right. Is there anything
17 further?

18 MR. LOONAM: Nothing from the government,
19 your Honor.

20 MS. CESARE: No, thank you.

21 THE COURT: Thank you very much.

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18 I certify that the foregoing is a correct

19 transcript from the electronic sound recording of the

20 proceedings in the above-entitled matter.

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A handwritten signature in black ink, appearing to read 'EB', with a long horizontal stroke extending to the right.

25 ELIZABETH BARRON

October 26, 2012